

1 **RONALD V. UY, ESQ., SBN 177157**
2 **STEVAN J. HENRIOULLE, ESQ., SBN 57282**
3 **LAW OFFICE OF UY & HENRIOULLE**
4 **1212 Broadway, Suite 830**
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6 **Telephone: (510) 835-3730**
7 **Facsimile: (510) 835-3731**

8 Attorneys for Plaintiffs

9 **DANILO PANGILINAN AND ROSA**
10 **SOLORZANO**

11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 **DANILO PANGILINAN AND**
16 **ROSA SOLORZANO,**

17 **Plaintiffs,**

18 **vs.**

19 **FIRST FEDERAL BANK OF**
20 **CALIFORNIA; FIRST COMMUNITY**
21 **MORTGAGE COMPANY; ONEWEST**
22 **BANK, FSB; INDYMAC MORTGAGE**
23 **SERVICES; AZTEC FORECLOSURE**
24 **CORPORATION; AND DOES 1 – 5,**

25 **Defendants.**

Civil Case No. 3:11-cv-0217-MEJ

NOTICE OF MOTION AND MOTION
TO WITHDRAW AS COUNSEL OF
RECORD FOR PLAINTIFFS
WITHOUT SUBSTITUTION
[FED. R. CIV. P. 7(b)]

DATE: MARCH 31, 2011

TIME: 10:00 A.M.

DEPT: COURTROOM “B” – 15TH Floor

JUDGE: MARIA-ELENA JAMES

26 **MOTION BY ATTORNEY FOR PERMISSION TO WITHDRAW APPEARANCE AND FOR**
27 **CONTINUANCE TO ENABLE PARTIES TO RETAIN NEW COUNSEL**

1 STEVAN J. HENRIOULLE and the LAW OFFICE OF UY & HENRIOULLE,
2 attorneys of record for **DANILO PANGILINAN** and **ROSA SOLORZANO**, the Plaintiffs in
3 the above-entitled action, move the Court for leave to withdraw his appearance as attorney of
4 record for Plaintiffs.

5 This Motion is made on the grounds set forth in the accompanying Declaration of
6 Stevan J. Henrioulle.

7 Stevan J. Henrioulle further moves the Court for an order continuing any pending
8 hearing dates.


9 This motion is made on the grounds that if Stevan J. Henrioulle and the Law Office of
10 Uy and Henrioulle is granted leave to withdraw their appearance as the attorney of record for
11 Plaintiffs in this action Plaintiffs will need a reasonable period of time in which to retain new
12 counsel that the new counsel will need a reasonable time in which to become familiar with
13 facts, issues, and proceedings and to properly prepare for the further hearing of this action and
14 that it is not possible for Plaintiff to retain new counsel and for such counsel to become
15 familiar with the facts, issues and proceedings in this action and to properly prepare the
16 Plaintiff 's case .

17 This motion is further made on the grounds set forth in the accompanying Declaration
18 of Stevan J. Henrioulle filed in support of this motion.

19 The last know address and telephone number of Plaintiffs is as follows:

20 3361 Fleetwood Drive, San Bruno, CA 94066: 650-871-8854.

21 Dated: March 1, 2011

22 
23 STEVAN J. HENRIOULLE
24 Attorney for Plaintiffs
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DECLARATION OF STEVAN J.
HENRIOULLE IN SUPPORT OF
MOTION PERMITTING ATTORNEY
TO WITHDRAW AS COUNSEL OF
RECORD FOR PLAINTIFFS
WITHOUT SUBSTITUTION

DATE: MARCH 31, 2011

TIME: 10:00 A.M.

DEPT: COURTROOM "B" – 15TH Floor

JUDGE: MARIA-ELENA JAMES:

I, STEVAN J. HENRIOULLE, am the attorney of record for the Plaintiffs in this action
and if called to testify I would competently testify as follows based on my personal knowledge:

Pursuant to a written retainer agreement with Plaintiffs executed on June 30, 2011 I and
my office began representing Plaintiffs regarding their real property and encumbrances thereon.

1 The written retainer agreement provided for monthly payment for fees and the reimbursement
2 for costs expended.

3 Paragraph 15 of the agreement states, in part, as follows:

4 ATTORNEY may withdraw at any time as permitted under the Rules of
5 Professional Conduct of the State Bar of California. The circumstances which
6 permit such withdrawal include, but are not limited to the following: (a) the
7 consent of CLIENT, (b) the conduct of CLIENT renders it unreasonably difficult
8 for ATTORNEY to carry out the employment and Agreement purposes
9 effectively, and (c) CLIENT failed to make any payments to ATTORNEY due
10 under this AGREEMENT.”

11 Plaintiffs' Complaint alleging numerous causes of action was filed on December 7, 2010,
12 in the Superior Court of California in San Mateo County. The action was removed to the United
13 States District Court on or about January 13, 2011.

14 Plaintiffs have failed to cooperate with Counsel, which has made representing them in the
15 pending action impossible. Despite numerous communications, both written and verbal,
16 Plaintiffs have failed and refused to cooperate with Plaintiffs counsel. A special accommodation
17 was made for Plaintiffs to meet in our office on a Saturday but Plaintiffs failed to show-up for
18 the appointment and failed to call to cancel the appointment.


19 Plaintiffs have been sent a Substitution of Attorney form for signature but they have
20 failed to sign the document and return it to me for filing with the Court.

21 Plaintiffs have further failed and refused and have stated that they will continue to refuse
22 to pay for the costs expended or the past or future legal services being provided by myself and
23 my office. The current outstanding balance for services and costs owing to my office is
24 \$7,333.90.
25

1 A Motion for Remand was scheduled for hearing in the Department of Magistrate Judge
2 James. By agreement between counsel and at the urging of the Court all pending motions have
3 been continued indefinitely to be rescheduled upon the return of Judge James from surgery
4 around April, 2011.

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct to the best of my knowledge.
7

8
9 Dated: March 1, 2011


10 STEVAN J. HENRIOULLE
11 Attorney for Plaintiffs
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**ORDER PERMITTING ATTORNEY
TO WITHDRAW AS COUNSEL OF
RECORD FOR PLAINTIFFS
WITHOUT SUBSTITUTION**

DATE:

TIME:

DEPT:

At a session of the Court held in the Northern District of California, Courtroom number

_____, on _____, 2011:

Present: Honorable _____, Judge

Stevan J. Henriouille, Attorney for Plaintiffs

1
2 This matter having come on for hearing on motion of Stevan J. Henrioulle, Law Office
3 of Uy & Henrioulle, attorney of record for the Plaintiffs, for permission to withdraw his
4 appearance as attorney of record for **DANILO PANGILINAN AND ROSA SOLORZANO**;

5 And the Court being of the opinion that such withdrawal is proper and for good cause;
6 therefore,

7
8 IT IS ORDERED that STEVAN J. HENRIOULLE and the LAW OFFICE OF UY &
9 HENRIOULLE be permitted to withdraw his appearance as attorney of record for the
10 Plaintiffs DANILO PANGILINAN and ROSA SOLORZANO effective

11 _____, 2011.

12
13 Dated: _____, 2011

JUDGE, UNITED STATES DISTRICT COURT